

EXHIBIT 3

**[PLAINTIFF'S JANUARY 8, 2009 DISCOVERY REQUESTS
TO DEFENDANTS BRICKMAN AND ELICE]**

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DONNA CORBELLO

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

DONNA CORBELLO, an individual,

Plaintiff,

vs.

THOMAS GAETANO DEVITO, an
individual, *et al.*,

Defendants.

Case No. 2:08-cv-00867-RCJ-PAL

**PLAINTIFF'S FIRST SET OF
INTERROGATORIES TO
DEFENDANT MARSHALL
BRICKMAN**

Plaintiff, Donna Corbello, by her attorneys, and pursuant to Fed. R. Civ. P. 33, herewith propounds the following interrogatories to Defendant Marshall Brickman, to be answered

1 separately, in writing, and under oath, in accordance with the instructions and definitions
2 hereinafter set forth, within thirty (30) days from the date of service hereof.

3 **INSTRUCTIONS**

4 1. These interrogatories seek answers as of the date hereof, but are continuing in
5 nature, so that any additional information relating hereto which Defendant hereafter acquires, or
6 which hereafter becomes known to Defendant, up to and including the time of trial, shall be
7 furnished to Plaintiff immediately after such information is acquired or becomes known, in
8 accordance with Fed. R. Civ. P. 26(e)(1).

9 2. In each instance in which an interrogatory is answered upon information and belief,
10 Defendant shall set forth the basis for such information and belief.

11 3. In each instance in which Defendant denies knowledge or information sufficient to
12 answer an interrogatory, Defendant shall first set forth the name and address of each person, if
13 any, known or believed to have such knowledge or information.

14 4. In the event that a privilege is alleged as to any information requested hereby, or if
15 an interrogatory for any reason otherwise is not answered in full, Defendant shall state the specific
16 grounds for not answering said interrogatory fully, and shall answer said interrogatory to the
17 complete extent to which it is not objectionable. Fed. R. Civ. P. 33(b)(3)-(4). Such answer shall
18 describe the nature of the information for which a privilege is claimed, with sufficient particularity
19 to enable Plaintiff to assess the applicability of the privilege.

20 5. In response to those interrogatories requiring the identification of any document or
21 tangible thing, such document or thing may be produced for inspection and copying with the
22 answers to these interrogatories in lieu of identification, provided such document or thing
23 constitutes a "business record" under Fed. R. Civ. P. 33(d).

24 6. In the event that any document or tangible thing responsive to any of the following
25 interrogatories has been lost or destroyed, Defendant shall identify, to the extent possible, any
26 such document or thing; the date(s) on which the loss or destruction first was discovered; the
27 person(s) who first discovered the loss or destruction, and the person(s) most knowledgeable about
28 the content or composition of such lost or destroyed document or thing.

7. In the event that any document or tangible thing responsive to any of the following interrogatories is not now within Defendant's possession, custody, or control, Defendant shall state the name, address, and telephone number of each person known to or believed by Defendant to have such possession, custody, or control, and shall identify which document or thing is in such person's possession, custody, or control.

DEFINITIONS

For purposes of these interrogatories, the following terms shall have the meanings hereinafter given:

1. "Defendant," "you," and "your," as used herein, shall refer to the nominal defendant, Marshall Brickman, his attorneys, agents, and representatives, and all partnerships, joint ventures, corporations, and related business entities in which he is a member, officer, director or shareholder.

2. "Defendant DeVito," as used herein, shall refer to the nominal defendant, Thomas Gaetano DeVito, and his attorneys, agents, and representatives.

3. "Person," as used herein, shall refer to both natural persons and corporate or other business entities, whether or not in the employ of Defendant, and the acts and knowledge of a "person" are defined to include the acts and knowledge of that person's officers, directors, members, partners, employees, representatives, agents, and attorneys.

4. "The Work," as defined herein, shall refer to each and all of the following: (a) the biographical work concerning Defendant DeVito and the Four Seasons which forms the subject matter of U.S. Copyright Registration No. Txu 454 118; (b) the biographical work concerning Defendant DeVito which was identified in Defendant's Initial Disclosures, as served on or about December 17, 2008; and, (c) any version of the foregoing biographical work produced by Plaintiff in connection with Plaintiff's Initial Disclosures herein.

5. "Copyright," or copyrights," as used herein, shall refer to any and all of the exclusive rights which together comprise a copyright, under 17 U.S.C. § 106.

6. "Jersey Boys," as used herein, shall refer to the Tony® Award-winning musical work of the performing arts bearing that title, which debuted in La Jolla, California in 2004,

1 debuted on Broadway, in New York, New York in 2005, began national and international tours
2 thereafter, and is performed at "permanent" locations, such as Palazzo Hotel, Resort & Casino in
3 Las Vegas, Nevada, regardless of whether particular tours, companies, locations or divisions of the
4 show are owned, organized, or incorporated separately.

5 7. "The Jersey Boys Production," as issued herein, shall refer to *Jersey Boys*; all
6 persons involved in creating the play, including the writers and director thereof; and, all persons
7 who have controlling ownership interests therein, control over the content thereof, or control over
8 the locations at which it is performed, to the extent known by Defendant.

9 8. "Jersey Boys Collateral Items," as used herein, shall refer to all official or licensed
10 goods made available for sale, or distributed to the public at any time, which are or were
11 authorized by the *Jersey Boys Production*, and which reference, are associated with, or are tied to,
12 *Jersey Boys*.

13 9. "The Four Seasons Partnership," shall refer to Defendants Robert J. Gaudio and
14 Frankie Valli, as members of an informal partnership or joint venture, together with their attorney,
15 Peter C. Bennett, and any corporations, proprietorships, partnerships, limited liability companies,
16 or other business organizations in which said Defendants share ownership or control.

17 10. "Document," or "documents," as used herein, is to be construed in the customary
18 broad sense described in Fed. R. Civ. P. 34(a), and shall include, but shall not be limited to, letters,
19 notes, correspondence, and electronic mail, whether handwritten, typed, or electronically
20 produced; electronically stored information of any type; memoranda; communications; summaries
21 or records of telephone conversations; summaries or records of personal conversations or
22 interviews; diaries; books; manuscripts; notebooks; records (whether printed, written, or
23 electronically, magnetically, or optically recorded); minutes; bills and invoices; purchase orders;
24 receipts; contracts; agreements; drawings; sketches; advertising and promotional matter recorded
25 in any medium (whether or not published); literature; press releases; pamphlets; circulars; trade
26 letters; newspaper clippings; operating manuals; instruction bulletins; cables; telegrams; electronic
27 mail; tape or other recordings, whether analogue or digital, including cassettes, acetates, record
28 albums or singles, 8-track tapes, compact disks, reel-to-reel tapes, videocassettes, CD-R's, and

1 DVD's; test data; reports (including copyright research reports and opinions of counsel); forecasts;
2 working papers; charts; drafts; indices; diskettes; memory cards and sticks; hard drives; data
3 sheets; data processing cards; marginal comments appearing on any paper; periodicals; any other
4 written, recorded, transcribed, punched, taped, filmed, or graphic matter, however produced or
5 reproduced; and, all other physical objects, including, without limitation, toys; souvenirs; and,
6 photographs or recordings on or in which any information is embodied.

7 11. "Identify," shall mean, when used with respect to a person, to state the person's
8 name, principal business address, telephone number, if known, and in the case of a natural person,
9 his or her home address, telephone number, place of employment, title, and job duties. To
10 "identify" a document, shall mean to provide a brief description of the document sufficient to
11 support a request for production, including the general nature of the subject matter, the date, the
12 identity of the author or recipient, if any, and, if the document embodies an agreement, the parties
13 to such agreement. To "identify" a thing, shall mean to provide a brief description of the thing
14 sufficient to support a request for production, including any numbers, markings, dates, or other
15 identifying characteristics. To "identify" a statement, shall mean, when used in reference to an
16 oral statement, to state the name of the speaker; the date of the statement; the place at which the
17 statement was made; the person or persons to whom the statement was addressed, if practicable;
18 otherwise a general description of the person(s) to whom the statement was addressed; the subject
19 matter of the statement; and if the statement was memorialized in writing or by other recording,
20 the date and present location of such writing or other recording.

21 12. "Relate to," "relating to," "relating thereto," "regarding," "in regard to," and "in
22 connection with," shall mean constitutes, contains, embodies, reflects, identifies, states, refers to,
23 deals with, or is in any way pertinent to the specified subject.

24 13. "Or," shall mean "and/or."

25 14. "By," shall mean, "by or on behalf of."

26 15. "Any," and "all," shall mean "any and all."
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1 16. To "locate" a document or thing, means to state the exact present whereabouts of
2 the document or thing, and to identify the person or persons having possession, custody, or control
3 thereof.

4 **INTERROGATORIES**
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16 3. Describe all efforts you have undertaken to preserve evidence in this case
17 (including evidence which may be found within electronically stored information), specifying the
18 date(s) of such efforts; the steps taken to preserve such evidence, and all evidence preserved as a
19 result of such efforts.
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1 6. Identify all variations of every formative document, including, but not limited to,
2 treatments, outlines, or scripts which you created, in whole or part, in connection with the play
3 that became *Jersey Boys*, and specify the date(s) of authorship for each.

4 7. Identify all variations of every formative document, including treatments, outlines,
5 or scripts created by others, in whole or part, in connection with the play that became *Jersey Boys*;
6 specify the date(s) of authorship for each such formative document or variation, and identify the
7 author(s) thereof.

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24. Identify all documents, including correspondence, and electronic mail messages, relating to communications you have had with any of the other parties concerning the subject matter of this litigation.

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Attorneys for Plaintiff,
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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

DONNA CORBELLO, an individual,

Plaintiff,

vs.

THOMAS GAETANO DEVITO, an
individual, *et al.*,

Defendants.

Case No. 2:08-cv-00867-RCJ-PAL

**PLAINTIFF'S FIRST SET OF
INTERROGATORIES TO
DEFENDANT ERIC S. ELICE**

Plaintiff, Donna Corbello, by her attorneys, and pursuant to Fed. R. Civ. P. 33, herewith propounds the following interrogatories to Defendant Eric ("Rick") S. Elice, to be answered

1 separately, in writing, and under oath, in accordance with the instructions and definitions
 2 hereinafter set forth, within thirty (30) days from the date of service hereof.

3 INSTRUCTIONS

4 1. These interrogatories seek answers as of the date hereof, but are continuing in
 5 nature, so that any additional information relating hereto which Defendant hereafter acquires, or
 6 which hereafter becomes known to Defendant, up to and including the time of trial, shall be
 7 furnished to Plaintiff immediately after such information is acquired or becomes known, in
 8 accordance with Fed. R. Civ. P. 26(e)(1).

9 2. In each instance in which an interrogatory is answered upon information and belief,
 10 Defendant shall set forth the basis for such information and belief.

11 3. In each instance in which Defendant denies knowledge or information sufficient to
 12 answer an interrogatory, Defendant shall first set forth the name and address of each person, if
 13 any, known or believed to have such knowledge or information.

14 4. In the event that a privilege is alleged as to any information requested hereby, or if
 15 an interrogatory for any reason otherwise is not answered in full, Defendant shall state the specific
 16 grounds for not answering said interrogatory fully, and shall answer said interrogatory to the
 17 complete extent to which it is not objectionable. Fed. R. Civ. P. 33(b)(3)-(4). Such answer shall
 18 describe the nature of the information for which a privilege is claimed, with sufficient particularity
 19 to enable Plaintiff to assess the applicability of the privilege.

20 5. In response to those interrogatories requiring the identification of any document or
 21 tangible thing, such document or thing may be produced for inspection and copying with the
 22 answers to these interrogatories in lieu of identification, provided such document or thing
 23 constitutes a "business record" under Fed. R. Civ. P. 33(d).

24 6. In the event that any document or tangible thing responsive to any of the following
 25 interrogatories has been lost or destroyed, Defendant shall identify, to the extent possible, any
 26 such document or thing; the date(s) on which the loss or destruction first was discovered; the
 27 person(s) who first discovered the loss or destruction, and the person(s) most knowledgeable about
 28 the content or composition of such lost or destroyed document or thing.

7. In the event that any document or tangible thing responsive to any of the following interrogatories is not now within Defendant's possession, custody, or control, Defendant shall state the name, address, and telephone number of each person known to or believed by Defendant to have such possession, custody, or control, and shall identify which document or thing is in such person's possession, custody, or control.

DEFINITIONS

For purposes of these interrogatories, the following terms shall have the meanings hereinafter given:

1. "Defendant," "you," and "your," as used herein, shall refer to the nominal defendant, Eric S. Elice, his attorneys, agents, and representatives, and all partnerships, joint ventures, corporations, and related business entities in which he is a member, officer, director or shareholder.

2. "Defendant DeVito," as used herein, shall refer to the nominal defendant, Thomas Gaetano DeVito, and his attorneys, agents, and representatives.

3. "Person," as used herein, shall refer to both natural persons and corporate or other business entities, whether or not in the employ of Defendant, and the acts and knowledge of a "person" are defined to include the acts and knowledge of that person's officers, directors, members, partners, employees, representatives, agents, and attorneys.

4. "The Work," as defined herein, shall refer to each and all of the following: (a) the biographical work concerning Defendant DeVito and the Four Seasons which forms the subject matter of U.S. Copyright Registration No. Txu 454 118; (b) the biographical work concerning Defendant DeVito which was identified in Defendant's Initial Disclosures, as served on or about December 17, 2008; and, (c) any version of the foregoing biographical work produced by Plaintiff in connection with Plaintiff's Initial Disclosures herein.

5. "Copyright," or copyrights," as used herein, shall refer to any and all of the exclusive rights which together comprise a copyright, under 17 U.S.C. § 106.

6. "Jersey Boys," as used herein, shall refer to the Tony® Award-winning musical work of the performing arts bearing that title, which debuted in La Jolla, California in 2004,

1 debuted on Broadway, in New York, New York in 2005, began national and international tours
 2 thereafter, and is performed at "permanent" locations, such as Palazzo Hotel, Resort & Casino in
 3 Las Vegas, Nevada, regardless of whether particular tours, companies, locations or divisions of the
 4 show are owned, organized, or incorporated separately.

5 7. "The Jersey Boys Production," as issued herein, shall refer to *Jersey Boys*; all
 6 persons involved in creating the play, including the writers and director thereof; and, all persons
 7 who have controlling ownership interests therein, control over the content thereof, or control over
 8 the locations at which it is performed, to the extent known by Defendant.

9 8. "Jersey Boys Collateral Items," as used herein, shall refer to all official or licensed
 10 goods made available for sale, or distributed to the public at any time, which are or were
 11 authorized by the *Jersey Boys Production*, and which reference, are associated with, or are tied to,
 12 *Jersey Boys*.

13 9. "The Four Seasons Partnership," shall refer to Defendants Robert J. Gaudio and
 14 Frankie Valli, as members of an informal partnership or joint venture, together with their attorney,
 15 Peter C. Bennett, and any corporations, proprietorships, partnerships, limited liability companies,
 16 or other business organizations in which said Defendants share ownership or control.

17 10. "Document," or "documents," as used herein, is to be construed in the customary
 18 broad sense described in Fed. R. Civ. P. 34(a), and shall include, but shall not be limited to, letters,
 19 notes, correspondence, and electronic mail, whether handwritten, typed, or electronically
 20 produced; electronically stored information of any type; memoranda; communications; summaries
 21 or records of telephone conversations; summaries or records of personal conversations or
 22 interviews; diaries; books; manuscripts; notebooks; records (whether printed, written, or
 23 electronically, magnetically, or optically recorded); minutes; bills and invoices; purchase orders;
 24 receipts; contracts; agreements; drawings; sketches; advertising and promotional matter recorded
 25 in any medium (whether or not published); literature; press releases; pamphlets; circulars; trade
 26 letters; newspaper clippings; operating manuals; instruction bulletins; cables; telegrams; electronic
 27 mail; tape or other recordings, whether analogue or digital, including cassettes, acetates, record
 28 albums or singles, 8-track tapes, compact disks, reel-to-reel tapes, videocassettes, CD-R's, and

1 DVD's; test data; reports (including copyright research reports and opinions of counsel); forecasts;
 2 working papers; charts; drafts; indices; diskettes; memory cards and sticks; hard drives; data
 3 sheets; data processing cards; marginal comments appearing on any paper; periodicals; any other
 4 written, recorded, transcribed, punched, taped, filmed, or graphic matter, however produced or
 5 reproduced; and, all other physical objects, including, without limitation, toys; souvenirs; and,
 6 photographs or recordings on or in which any information is embodied.

7 11. "Identify," shall mean, when used with respect to a person, to state the person's
 8 name, principal business address, telephone number, if known, and in the case of a natural person,
 9 his or her home address, telephone number, place of employment, title, and job duties. To
 10 "identify" a document, shall mean to provide a brief description of the document sufficient to
 11 support a request for production, including the general nature of the subject matter, the date, the
 12 identity of the author or recipient, if any, and, if the document embodies an agreement, the parties
 13 to such agreement. To "identify" a thing, shall mean to provide a brief description of the thing
 14 sufficient to support a request for production, including any numbers, markings, dates, or other
 15 identifying characteristics. To "identify" a statement, shall mean, when used in reference to an
 16 oral statement, to state the name of the speaker; the date of the statement; the place at which the
 17 statement was made; the person or persons to whom the statement was addressed, if practicable;
 18 otherwise a general description of the person(s) to whom the statement was addressed; the subject
 19 matter of the statement; and if the statement was memorialized in writing or by other recording,
 20 the date and present location of such writing or other recording.

21 12. "Relate to," "relating to," "relating thereto," "regarding," "in regard to," and "in
 22 connection with," shall mean constitutes, contains, embodies, reflects, identifies, states, refers to,
 23 deals with, or is in any way pertinent to the specified subject.

24 13. "Or," shall mean "and/or."

25 14. "By," shall mean, "by or on behalf of."

26 15. "Any," and "all," shall mean "any and all."
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1 7. Identify all variations of every formative document, including treatments, outlines,
2 or scripts created by others, in whole or part, in connection with the play that became *Jersey Boys*;
3 specify the date(s) of authorship for each such formative document or variation, and identify the
4 author(s) thereof.

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24. Identify all documents, including correspondence, and electronic mail messages, relating to communications you have had with any of the other parties concerning the subject matter of this litigation.

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Attorneys for Plaintiff,
DONNA CORBELLO

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

DONNA CORBELLO, an individual,

Plaintiff,

vs.

THOMAS GAETANO DEVITO, an
individual, *et al.*,

Defendants.

Case No. 2:08-cv-00867-RCJ-PAL

**PLAINTIFF'S FIRST REQUEST FOR
PRODUCTION OF DOCUMENTS,
ELECTRONICALLY STORED
INFORMATION AND THINGS TO
DEFENDANT MARSHALL
BRICKMAN**

Plaintiff, Donna Corbello, by her attorneys, and pursuant to Fed. R. Civ. P. 34, herewith requests that Defendant, Marshall Brickman, produce the documents and things described below

1 for inspection and copying, in accordance with the instructions and definitions hereinafter set
 2 forth, within thirty (30) days from the date of service hereof.

3 INSTRUCTIONS FOR PRODUCTION

4 1. Each request for production set forth herein shall be deemed continuing in nature,
 5 and Defendant shall update, revise, and otherwise keep current, any information provided in
 6 response to each request, as facts or circumstances become known or change, in accordance with
 7 Fed. R. Civ. P. 26(e)(1).

8 2. In the event that any document requested is not readily available in a form suitable
 9 for copying and inspection (e.g., word-processor or computer-stored information), Defendant
 10 shall, in advance of the date specified for production, inform requesting counsel thereof, and
 11 arrange a suitable method of copying or providing same to requesting counsel for review.

12 3. All documents in the possession, custody, or control of Defendant, or any of
 13 Defendant's representatives, which are responsive to, or relate to, the descriptions set forth herein,
 14 shall be produced. Control, means that Defendant, or any of Defendant's representatives, either
 15 has the documents, has access to the documents, or has the right to obtain the documents from the
 16 person(s) or entity(ies) currently having possession thereof.

17 4. In the event that any document responsive or related to any request herein is known
 18 to Defendant, or any of Defendant's representatives, to have existed, but no longer exists, or is
 19 known to have been in the possession or control of Defendant, or any of Defendant's
 20 representatives, but no longer is in their possession or control, Defendant shall identify such
 21 document(s), and:

- 22 a. State the last known date for the document(s)' existence, or
 23 Defendant's or any representative's possession or control;
- 24 b. Identify the person or entity having possession or custody of the
 25 document(s) on the last-known date of existence, or the last-known
 26 date of possession, custody or control by Defendant, or any
 27 representative thereof;
- 28 c. State the length of each such document;
- d. State the reason(s) why each such document was destroyed, no longer
 exists, or no longer is in the possession, custody, or control of
 Defendant or Defendant's agent or attorney;

e. Describe the contents of each such document;

f. If the document still exists, identify the person(s) or entity(ies) which today have possession, custody, or control thereof.

5. If any document responsive or related to the requests set forth hereinbelow, which would have been produced on the date set for production, had it existed or been in Defendant's (or Defendant's representatives') possession, custody, or control, later comes into existence, or into the possession, custody, or control of Defendant, or Defendant's representatives, Defendant shall notify requesting counsel immediately, and such document shall be produced to said counsel at the earlier possible time.

6. With respect to any document specified for which a claim of privilege or work product immunity is made, Defendant shall indicate the nature of the document; identify by name, address, occupation, title and business affiliation, the writer, the addressee and all recipients thereof, the general subject matter to which the document relates, and the date thereof. Where possible, the document shall be produced in redacted form, with the privileged or work-product protected matter blocked out. In all cases, the specific grounds for the claim of privilege or work-product immunity must be specified, with sufficient particularity to permit Plaintiff to assess the applicability of the privilege or any claimed work product immunity.

7. For each document produced, the request to which it is deemed responsive must be specified.

8. Defendant's response to this request is required in writing, pursuant to Fed. R. Civ. P. 34.

DEFINITIONS

1. In reading and interpreting each request for production set forth hereinbelow, words generally are to accorded their normal and customary meanings, and it is to be assumed that the normal and customary breadth of interpretation and definition apply, rather than narrow, technical definitions. In addition, for purposes of these requests, the following terms shall have the meaning given herein:

A. "Document," or "documents," refers to the original, any copies of the

1 original, and any nonidentical copies thereof and/or amendments thereto, of any written,
2 preprinted, typed, electronically-stored, or visually- or aurally-recorded material of any kind,
3 including, but not limited to, letters, notes, and correspondence, whether handwritten, typed, or
4 electronically produced; electronically stored information, memoranda; communications;
5 summaries or records of telephone conversations; summaries or records of personal conversations
6 or interviews; diaries; books; notebooks; records (whether printed, written, or electronically,
7 magnetically, or optically recorded); minutes; bills and invoices; purchase orders; check stubs;
8 receipts; contracts; agreements; drawings; sketches; advertising and promotional matter recorded
9 in any medium (whether or not published); literature; press releases; pamphlets; circulars; trade
10 letters; newspaper clippings; operating manuals; instruction bulletins; cables; telegrams; electronic
11 mail; tape or other recordings; test data; reports (including copyright research reports and opinions
12 of counsel); studies; forecasts; working papers; charts; drafts; indices; diskettes; data sheets; data
13 processing cards; marginal comments appearing on any paper; periodicals; any other written,
14 recorded, transcribed, punched, taped, filmed, or graphic matter, however produced or reproduced;
15 and, any other physical objects, including, without limitation, photographs or recordings on or in
16 which any information is embodied.

17 B. "Electronically stored information," shall have the meaning accorded
18 thereto under FED. R. CIV. P. 34(a).

19 C. "Persons," shall mean natural persons, corporations, partnerships,
20 associations, and other legal entities, governments or governmental bodies, commissions, boards,
21 agencies, or other entities.

22 D. "Defendant," refers to the nominal defendant, Marshall Brickman, his
23 representatives, and any affiliated business entity in which Defendant holds an ownership interest.

24 E. "Representative," or "Representatives," includes, but is not limited to,
25 Defendant's legal counsel, consultants, accountants, employees, and agents.

26 F. "Defendant DeVito," as used herein, shall refer to the nominal defendant,
27 Thomas Gaetano DeVito, and his attorneys, agents, and representatives.
28

1 G. “The Work,” as defined herein, shall refer to each and all of the following:
 2 (a) the biographical work concerning Defendant DeVito and the Four Seasons which forms the
 3 subject matter of U.S. Copyright Registration No. Txu 454 118; (b) the biographical work
 4 concerning Defendant DeVito which was identified in Defendant’s Initial Disclosures, as served
 5 on or about December 17, 2008; and, (c) any version of the foregoing biographical work produced
 6 by Plaintiff in connection with Plaintiff’s Initial Disclosures herein.

7 H. “Copyright,” or copyrights,” as used herein, shall refer to any and all of the
 8 exclusive rights which together comprise a copyright, under 17 U.S.C. § 106.

9 I. “Jersey Boys,” shall refer to the Dodger Theatricals Ltd. musical production
 10 and work of the performing arts bearing that title, which debuted in La Jolla, California in 2004,
 11 debuted on Broadway, in New York, New York in 2005, began national and international tours
 12 thereafter, and is performed at “permanent” locations, such as Palazzo Hotel, Resort & Casino in
 13 Las Vegas, Nevada, regardless of whether particular tours, companies, locations or divisions of the
 14 show are organized or incorporated separately, for business reasons.

15 J. “The Jersey Boys Production,” shall refer to *Jersey Boys*; all persons
 16 involved in creating the play, including the writers and director thereof; and, all persons who have
 17 controlling ownership interests therein, veto power with respect to the content thereof, or control
 18 over the locations at which it is performed.

19 K. “Jersey Boys Collateral Items,” shall refer to all official or licensed goods
 20 made available for sale, or distributed to the public at any time, which are or were authorized by
 21 the *Jersey Boys Production*, and which reference, are bared on, are associated with, or are tied to,
 22 *Jersey Boys*.

23 L. “The Four Seasons Partnership,” shall refer to Defendants Robert J. Gaudio
 24 and Frankie Valli, as members of a formal or informal partnership, together with their attorney,
 25 Peter C. Bennett, and any corporations, proprietorships, partnerships, limited liability companies,
 26 or other business organizations in which they share ownership or control.

27 M. “Relate to,” “relating to,” “relating thereto,” “regarding,” “in regard to,” and
 28 “in connection with,” shall mean constitutes, contains, embodies, reflects, evidences, identifies,

1 states, refers to, deals with, or is in any way pertinent to the specified request.

2 N. "Or," shall mean "and/or."

3 **DOCUMENTS AND THINGS TO BE PRODUCED**

4 1. All documents, electronically stored information or things identified in Defendant's
5 Initial Disclosures in this action.

6 2. All documents, electronically stored information or things identified in response to
7 Interrogatories No. 1 through 31 of *Plaintiff's First Set of Interrogatories to Defendant, Marshall*
8 *Brickman*, served contemporaneously herewith.

9 3. All documents, electronically stored information or things not identified in
10 response to Interrogatories No. 1 through 31 of *Plaintiff's First Set of Interrogatories to*
11 *Defendant, Marshall Brickman*, which nonetheless were relied upon in answering said
12 interrogatories, or which support Defendant's responses thereto.

13 4. All drafts, treatments, notes, revisions, summaries, dictation, other documents, or
14 electronically stored information or things relating to any play, film, television show or production
15 of any kind concerning the Four Seasons or their music.

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27 9. All documents, electronically stored information or things relating to any
28 communications, including electronically stored correspondence, between any of the parties in this

1 action, between December 1999 and the present, which mention or concern *Jersey Boys*; Rex
2 Woodard; the Work; this litigation; biographies of the Four Seasons or its members; books about
3 the Four Seasons or its members; or, screenplays, scripts, librettos, plays, movies, musicals,
4 teleplays, or television programs in which the members of the Four Seasons are mentioned or in
5 which their names appear.

1 16. All correspondence of any type, including electronically-stored correspondence,
2 with Peter C. Bennett, Jay Julien, Peter Conti, Nick Macioci, Joseph Labraccio, Nick DeVito, Joe
3 Pesci; Richard Hammer, Tom DeCillis, Ed Strong, Joseph Grano, Michael David, David Case,
4 Charles Alexander, Holly Cote, Broadway Books; the Palazzo Hotel and Casino, Randy Valli, any
5 of the actors who have portrayed any of the members of the Four Seasons in *Jersey Boys*, and all
6 other persons not a party to this action, from 1999 to the present, which contains any reference to
7 *Jersey Boys*; Rex Woodard; the Work; this litigation; the life story of any member of the Four
8 Seasons; biographies of the Four Seasons; books about the Four Seasons; or screenplays, scripts,
9 librettos, plays, movies, musicals, teleplays, or television programs in which members of the Four
10 Seasons are mentioned or in which their names appear.

11 17. All documents, electronically stored information or things evidencing any
12 modifications made to the Jersey Boys script since it debuted in La Jolla in 2004.
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25 Fax: (602) 734-3857

26 Attorneys for Plaintiff,
27 DONNA CORBELLO

28 UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

29 DONNA CORBELLO, an individual,
30
31 Plaintiff,
32
33 vs.
34 THOMAS GAETANO DEVITO, an
35 individual, *et al.*,
36
37 Defendants.

Case No. 2:08-cv-00867-RCJ-PAL

**PLAINTIFF'S FIRST REQUEST FOR
PRODUCTION OF DOCUMENTS,
ELECTRONICALLY STORED
INFORMATION AND THINGS TO
DEFENDANT ERIC S. ELICE**

38 Plaintiff, Donna Corbello, by her attorneys, and pursuant to Fed. R. Civ. P. 34, herewith
39 requests that Defendant, Eric S. Elice, produce the documents and things described below for

1 inspection and copying, in accordance with the instructions and definitions hereinafter set forth,
 2 within thirty (30) days from the date of service hereof.

3 INSTRUCTIONS FOR PRODUCTION

4 1. Each request for production set forth herein shall be deemed continuing in nature,
 5 and Defendant shall update, revise, and otherwise keep current, any information provided in
 6 response to each request, as facts or circumstances become known or change, in accordance with
 7 Fed. R. Civ. P. 26(e)(1).

8 2. In the event that any document requested is not readily available in a form suitable
 9 for copying and inspection (e.g., word-processor or computer-stored information), Defendant
 10 shall, in advance of the date specified for production, inform requesting counsel thereof, and
 11 arrange a suitable method of copying or providing same to requesting counsel for review.

12 3. All documents in the possession, custody, or control of Defendant, or any of
 13 Defendant's representatives, which are responsive to, or relate to, the descriptions set forth herein,
 14 shall be produced. Control, means that Defendant, or any of Defendant's representatives, either
 15 has the documents, has access to the documents, or has the right to obtain the documents from the
 16 person(s) or entity(ies) currently having possession thereof.

17 4. In the event that any document responsive or related to any request herein is known
 18 to Defendant, or any of Defendant's representatives, to have existed, but no longer exists, or is
 19 known to have been in the possession or control of Defendant, or any of Defendant's
 20 representatives, but no longer is in their possession or control, Defendant shall identify such
 21 document(s), and:

- 22 a. State the last known date for the document(s)' existence, or
 23 Defendant's or any representative's possession or control;
- 24 b. Identify the person or entity having possession or custody of the
 25 document(s) on the last-known date of existence, or the last-known
 26 date of possession, custody or control by Defendant, or any
 27 representative thereof;
- 28 c. State the length of each such document;
- d. State the reason(s) why each such document was destroyed, no longer
 exists, or no longer is in the possession, custody, or control of
 Defendant or Defendant's agent or attorney;

e. Describe the contents of each such document;

f. If the document still exists, identify the person(s) or entity(ies) which today have possession, custody, or control thereof.

5. If any document responsive or related to the requests set forth hereinbelow, which would have been produced on the date set for production, had it existed or been in Defendant's (or Defendant's representatives') possession, custody, or control, later comes into existence, or into the possession, custody, or control of Defendant, or Defendant's representatives, Defendant shall notify requesting counsel immediately, and such document shall be produced to said counsel at the earlier possible time.

6. With respect to any document specified for which a claim of privilege or work product immunity is made, Defendant shall indicate the nature of the document; identify by name, address, occupation, title and business affiliation, the writer, the addressee and all recipients thereof, the general subject matter to which the document relates, and the date thereof. Where possible, the document shall be produced in redacted form, with the privileged or work-product protected matter blocked out. In all cases, the specific grounds for the claim of privilege or work-product immunity must be specified, with sufficient particularity to permit Plaintiff to assess the applicability of the privilege or any claimed work product immunity.

7. For each document produced, the request to which it is deemed responsive must be specified.

8. Defendant's response to this request is required in writing, pursuant to Fed. R. Civ. P. 34.

DEFINITIONS

1. In reading and interpreting each request for production set forth hereinbelow, words generally are to accorded their normal and customary meanings, and it is to be assumed that the normal and customary breadth of interpretation and definition apply, rather than narrow, technical definitions. In addition, for purposes of these requests, the following terms shall have the meaning given herein:

A. "Document," or "documents," refers to the original, any copies of the

1 original, and any nonidentical copies thereof and/or amendments thereto, of any written,
 2 preprinted, typed, electronically-stored, or visually- or aurally-recorded material of any kind,
 3 including, but not limited to, letters, notes, and correspondence, whether handwritten, typed, or
 4 electronically produced; electronically stored information, memoranda; communications;
 5 summaries or records of telephone conversations; summaries or records of personal conversations
 6 or interviews; diaries; books; notebooks; records (whether printed, written, or electronically,
 7 magnetically, or optically recorded); minutes; bills and invoices; purchase orders; check stubs;
 8 receipts; contracts; agreements; drawings; sketches; advertising and promotional matter recorded
 9 in any medium (whether or not published); literature; press releases; pamphlets; circulars; trade
 10 letters; newspaper clippings; operating manuals; instruction bulletins; cables; telegrams; electronic
 11 mail; tape or other recordings; test data; reports (including copyright research reports and opinions
 12 of counsel); studies; forecasts; working papers; charts; drafts; indices; diskettes; data sheets; data
 13 processing cards; marginal comments appearing on any paper; periodicals; any other written,
 14 recorded, transcribed, punched, taped, filmed, or graphic matter, however produced or reproduced;
 15 and, any other physical objects, including, without limitation, photographs or recordings on or in
 16 which any information is embodied.

17 B. "Electronically stored information," shall have the meaning accorded
 18 thereto under FED. R. CIV. P. 34(a).

19 C. "Persons," shall mean natural persons, corporations, partnerships,
 20 associations, and other legal entities, governments or governmental bodies, commissions, boards,
 21 agencies, or other entities.

22 D. "Defendant," refers to the nominal defendant, Eric S. Elice, his
 23 representatives, and any affiliated business entity in which Defendant holds an ownership interest.

24 E. "Representative," or "Representatives," includes, but is not limited to,
 25 Defendant's legal counsel, consultants, accountants, employees, and agents.

26 F. "Defendant DeVito," as used herein, shall refer to the nominal defendant,
 27 Thomas Gaetano DeVito, and his attorneys, agents, and representatives.
 28

1 G. “The Work,” as defined herein, shall refer to each and all of the following:
2 (a) the biographical work concerning Defendant DeVito and the Four Seasons which forms the
3 subject matter of U.S. Copyright Registration No. Txu 454 118; (b) the biographical work
4 concerning Defendant DeVito which was identified in Defendant’s Initial Disclosures, as served
5 on or about December 17, 2008; and, (c) any version of the foregoing biographical work produced
6 by Plaintiff in connection with Plaintiff’s Initial Disclosures herein.

7 H. “Copyright,” or copyrights,” as used herein, shall refer to any and all of the
8 exclusive rights which together comprise a copyright, under 17 U.S.C. § 106.

9 I. “Jersey Boys,” shall refer to the Dodger Theatricals Ltd. musical production
10 and work of the performing arts bearing that title, which debuted in La Jolla, California in 2004,
11 debuted on Broadway, in New York, New York in 2005, began national and international tours
12 thereafter, and is performed at “permanent” locations, such as Palazzo Hotel, Resort & Casino in
13 Las Vegas, Nevada, regardless of whether particular tours, companies, locations or divisions of the
14 show are organized or incorporated separately, for business reasons.

15 J. “The Jersey Boys Production,” shall refer to *Jersey Boys*; all persons
16 involved in creating the play, including the writers and director thereof; and, all persons who have
17 controlling ownership interests therein, veto power with respect to the content thereof, or control
18 over the locations at which it is performed.

19 K. “Jersey Boys Collateral Items,” shall refer to all official or licensed goods
20 made available for sale, or distributed to the public at any time, which are or were authorized by
21 the *Jersey Boys Production*, and which reference, are bared on, are associated with, or are tied to,
22 *Jersey Boys*.

23 L. “The Four Seasons Partnership,” shall refer to Defendants Robert J. Gaudio
24 and Frankie Valli, as members of a formal or informal partnership, together with their attorney,
25 Peter C. Bennett, and any corporations, proprietorships, partnerships, limited liability companies,
26 or other business organizations in which they share ownership or control.

27 M. “Relate to,” “relating to,” “relating thereto,” “regarding,” “in regard to,” and
28 “in connection with,” shall mean constitutes, contains, embodies, reflects, evidences, identifies,

1 states, refers to, deals with, or is in any way pertinent to the specified request.

2 N. "Or," shall mean "and/or."

3 **DOCUMENTS AND THINGS TO BE PRODUCED**

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5 Initial Disclosures in this action.

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7 Interrogatories No. 1 through 31 of *Plaintiff's First Set of Interrogatories to Defendant, Eric S.*
8 *Elice*, served contemporaneously herewith.

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10 response to Interrogatories No. 1 through 31 of *Plaintiff's First Set of Interrogatories to*
11 *Defendant, Eric S. Elice*, which nonetheless were relied upon in answering said interrogatories, or
12 which support Defendant's responses thereto.

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27 9. All documents, electronically stored information or things relating to any
28 communications, including electronically stored correspondence, between any of the parties in this

1 action, between December 1999 and the present, which mention or concern *Jersey Boys*; Rex
2 Woodard; the Work; this litigation; biographies of the Four Seasons or its members; books about
3 the Four Seasons or its members; or, screenplays, scripts, librettos, plays, movies, musicals,
4 teleplays, or television programs in which the members of the Four Seasons are mentioned or in
5 which their names appear.

6 10. All documents, electronically stored information or things which you provided to
7 Broadway Books in connection with the *Jersey Boys* coffee table book authored by David Cote
8 and published in or about October 2007, whether or not the material was included in the final text
9 as published.
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1 16. All correspondence of any type, including electronically-stored correspondence,
2 with Peter C. Bennett, Jay Julien, Peter Conti, Nick Macioci, Joseph Labraccio, Nick DeVito, Joe
3 Pesci; Richard Hammer, Tom DeCillis, Ed Strong, Joseph Grano, Michael David, David Case,
4 Charles Alexander, Holly Cote, Broadway Books; the Palazzo Hotel and Casino, Randy Valli, any
5 of the actors who have portrayed any of the members of the Four Seasons in *Jersey Boys*, and all
6 other persons not a party to this action, from 1999 to the present, which contains any reference to
7 *Jersey Boys*; Rex Woodard; the Work; this litigation; the life story of any member of the Four
8 Seasons; biographies of the Four Seasons; books about the Four Seasons; or screenplays, scripts,
9 librettos, plays, movies, musicals, teleplays, or television programs in which members of the Four
10 Seasons are mentioned or in which their names appear.

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12 modifications made to the Jersey Boys script since it debuted in La Jolla in 2004.
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